REMARKS

This Amendment is responsive to the Office Action mailed October 12, 2006. The Examiner's comments in the Office Action have been carefully considered.

As the Official Action was mailed on October 12, 2006, applicant respectfully requests a one month extension of time and authorizes the fee corresponding to that extension and any extra claims to be charged to Deposit Account No. 10-0100.

In the aforementioned Office Action, claims 23-28 and 39-44 of record have all be rejected as being fully anticipated by Japanese Publication JP 08-215433 to Toyama Shigeki, for reasons set forth on page 2 of the Office Action. In making the rejection, the Examiner has made reference to certain paragraphs in Shigeki, although it is not clear how the Examiner has applied the reference to address each of the individual elements or recitations in all of the claims of record that have been rejected. It is respectfully submitted that the reference, and more specifically the paragraphs alluded to by the Examiner, fail to teach each of the elements recited in the claims. By way of example, only, the original claims 23 and 39 set forth the use of a plurality of phrase databases as well as a plurality of command data in which specific phrases from a plurality of phrase databases corresponding to a predetermined condition be randomly selected following the issuance of the specific command data which selects the individual databases from which the phrases are randomly selected. The Office Action merely alludes to paragraph 21 which appears to suggest that two or more expressions meaning the same thing are randomly selected from a single database, but there is no linking of related databases or phrase groups for a given predetermined condition. Thus, reference to the specification in

the application makes it abundantly clear, with reference to Figs. 3 and 4, for example, that the boxes or databases containing the mutually related words or phrases are arranged in accordance with a "layered structure (Specification, page 8) so that the device selects a "box" in accordance with a game condition and a subordinate box is then referred to on the basis of command data, again the words or phrases being randomly selected from the subordinate box as well. As stated at the bottom of page 8 of the Specification, "By adopting a layered structure of this kind, it is possible to create a wide variety of running commentaries, in addition to its programming becomes simpler and memory is saved". Specific examples are discussed on the ensuing pages of the specification.

It is respectfully submitted that the reference applied by the Examiner fails to teach or suggest the claimed subject matter.

Nevertheless, to more clearly define the invention both claims 23 and 39 have been amended to incorporate some of the language above alluded to, taken from the specification, to more clearly distinguish the invention over the reference. The cited reference (JP08-215433 A) describes "part of this story sound data 700 is configured to include a plurality of optional relay data 710A, 710B, etc. of differently relay content, as shown in Fig. 8. On set of data is randomly selected and output from the plurality of optional relay data 710A, 710B, etc." (paragraph [0061] of cited reference). While it may outwardly appear that the cited reference discloses the invention the cited reference does not disclose or suggest the characteristic configuration in the present invention.

In fact, the cited reference only suggests that it "randomly selects and outputs one set of data from the plurality of optional relay data 710A, 710B, etc". If a batter hits a

home run in a baseball game, only one phase, such as "He hit a home run!" or "He hit a long drive!" is output.

On the contrary, the present invention can output not only a phrase such as "He hit a home run!" or "He hit a long drive!", but also other phrases relevant to the above phrases, such as "It was a spectacular hit" or " He is going strong today" by adopting a first command. Accordingly, the present invention can make play-by-play comments in such a manner that associated phrases are linked hierarchically or by means of a layered structure. Therefore, the present invention can bring about the exceptional effect of easily realizing various play-by-play commentaries.

Furthermore, since the present invention includes, as a phrase, the third command for playing no phrase, in addition to the first command, it is possible to effectively prevent the user from being bothered by repeated phrases. In addition, adjusting the number of third commands to be contained in the phrase groups can also enhance the versatility of the play-by-play commentaries.

In other words, a listener's impression of the commentaries will vary considerably depending on the frequency of phrase generation. Accordingly, even if the same phrase group is used, it is possible to perform commentaries that create different impressions by adjusting the number of the third commands. Moreover, if the number of third commands in each phrase group is adjusted according to a situation (or condition) associated with the relevant phrase group, versatile commentary can be performed with different phrase generation frequencies, depending on the situation.

Furthermore, since the present invention includes, in addition to the first and third commands described above, the second command for searching the subordinate phrase

groups and selecting a phrase from the subordinate phrase groups, if the number of phrases to be used for a certain situation (or condition) is to be increased, all you need to do is associate a new phrase group which new phrases are stored, with the second command. Therefore, it is also possible to obtain the advantageous effects of easy programming and memory conservation.

These special advantageous effects can be obtained by adopting the characteristic configuration of the present invention, and cannot be obtained with the invention described in the cited reference, which does not have that characteristic configuration.

Incidentally, the cited reference discloses that "as described above, …any one set of data is randomly selected from a plurality of optional data, and its replacement area enclosed in a box is replaced with sound data corresponding to the situation and the relevant sound is output" (cited reference, paragraph [0113]). This corresponds to a "wild card" in the specification of the present application. Words to be put in the replacement area are not necessarily dialogue phrases. Consequently, it cannot be said that based on the above-mentioned description that the "phrase groups have a hierarchical structure" in the cited reference.

It is also respectfully pointed out that the Japanese Patent Office initially rejected the corresponding application in Japan on the basis of Shigeki. The rejection was then withdrawn when claims corresponding to new claims 45 and 46 and the aforementioned arguments were submitted.

In view of the foregoing, it is respectfully submitted that all of the independent claims currently of record clearly and patentably distinguish over the Shigeki reference. Reconsideration and withdrawal of this rejection is, accordingly, respectfully solicited.
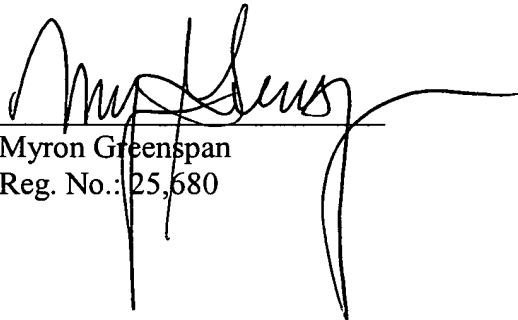
This application is now believed to be in condition for allowance. Early allowance and issuance is, accordingly, respectfully solicited.

The Commissioner is hereby authorized to charge payment of the fees associated with this communication and during the pendency of this application, such as an extension or issue fee if mistakenly not paid or insufficient funds, and/or any other fee due but not paid by check, etc., or credit any overpayment to Deposit Account No. 10-0100.

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Respectfully submitted,

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